

Union Calendar No. 294

108TH CONGRESS
2^D SESSION

H. R. 4278

[Report No. 108–514]

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2004

Mr. McKEON (for himself and Mr. BOEHNER) introduced the following bill;
which was referred to the Committee on Education and the Workforce

JUNE 1, 2004

Additional sponsors: Mr. KILDEE, Mr. HOLT, Mr. LANGEVIN, Mr. RAMSTAD, Mr. BALLENGER, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. ISAKSON, Mr. TOWNS, Mr. HOYER, Mr. KELLER, Mr. WILSON of South Carolina, Mr. BURNS, Ms. MCCOLLUM, Mr. PETRI, Mr. CANNON, Mr. McNULTY, Ms. KAPTUR, Mr. McDERMOTT, Mr. OWENS, Mr. PRICE of North Carolina, Mr. SANDERS, Mr. MATHESON, and Mr. FROST

JUNE 1, 2004

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 5, 2004]

A BILL

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive

technology needs of individuals with disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Improving Access to As-*
 5 *sistive Technology for Individuals with Disabilities Act of*
 6 *2004”.*

7 **SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT**
 8 **OF 1998.**

9 *The Assistive Technology Act of 1998 (29 U.S.C. 3001*
 10 *et seq.) is amended to read as follows:*

11 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12 *“(a) SHORT TITLE.—This Act may be cited as the ‘As-*
 13 *sistive Technology Act of 1998’.*

14 *“(b) TABLE OF CONTENTS.—The table of contents for*
 15 *this Act is as follows:*

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants to States for purchase of assistive technology devices and assistive technology services.

“Sec. 5. Grants to States for protection and advocacy related to assistive technology.

“Sec. 6. Administrative provisions.

“Sec. 7. National activities.

“Sec. 8. Authorization of appropriations.

16 **“SEC. 2. FINDINGS AND PURPOSES.**

17 *“(a) FINDINGS.—Congress finds the following:*

1 “(1) *Disability is a natural part of the human*
2 *experience and in no way diminishes the right of in-*
3 *dividuals to—*

4 “(A) *live independently;*

5 “(B) *enjoy self-determination and make*
6 *choices;*

7 “(C) *benefit from an education;*

8 “(D) *pursue meaningful careers; and*

9 “(E) *enjoy full inclusion and integration in*
10 *the economic, political, social, cultural, and edu-*
11 *cational mainstream of society in the United*
12 *States.*

13 “(2) *Technology is one of the primary engines*
14 *for economic activity, education, and innovation in*
15 *the Nation, and throughout the world. The commit-*
16 *ment of the United States to the development and uti-*
17 *lization of technology is one of the main factors un-*
18 *derlying the strength and vibrancy of the economy of*
19 *the United States.*

20 “(3) *As technology has come to play an increas-*
21 *ingly important role in the lives of all persons in the*
22 *United States, in the conduct of business, in the func-*
23 *tioning of government, in the fostering of communica-*
24 *tion, in the conduct of commerce, and in the provi-*
25 *sion of education, its impact upon the lives of indi-*

1 *viduals with disabilities in the United States has been*
2 *comparable to its impact upon the remainder of the*
3 *citizens of the United States. Any development in*
4 *mainstream technology would have profound implica-*
5 *tions for individuals with disabilities in the United*
6 *States.*

7 *“(4) Over the last 15 years, the Federal Govern-*
8 *ment has invested in the development of statewide*
9 *comprehensive systems to help individuals with dis-*
10 *abilities gain access to assistive technology devices*
11 *and services. This partnership with States provided*
12 *an important service to individuals with disabilities*
13 *by strengthening the capacity of each State to assist*
14 *individuals with disabilities of all ages with their as-*
15 *sistive technology needs.*

16 *“(5) Substantial progress has been made in the*
17 *development of assistive technology devices, including*
18 *adaptations to existing devices that facilitate activi-*
19 *ties of daily living, that significantly benefit individ-*
20 *uals with disabilities of all ages. These devices and*
21 *adaptations increase the involvement, and reduce ex-*
22 *penditures associated with, programs and activities*
23 *that facilitate communication, ensure independent*
24 *living and functioning, enable early childhood devel-*
25 *opment, support educational achievement, provide*

1 *and enhance employment options, and enable full*
2 *participation in community living and recreation for*
3 *individuals with disabilities.*

4 “(6) *Despite the success of the Federal-State*
5 *partnership in providing access to assistive tech-*
6 *nology and services, there is a continued need to pro-*
7 *vide information about the availability of assistive*
8 *technology, advances in improving accessibility and*
9 *functionality of assistive technology, and appropriate*
10 *methods to secure and utilize assistive technology in*
11 *order to maximize their independence and participa-*
12 *tion of individuals with disabilities in society.*

13 “(b) *PURPOSES.—The purposes of this Act are—*

14 “(1) *to support State efforts to improve the pro-*
15 *vision of assistive technology to individuals with dis-*
16 *abilities through comprehensive statewide programs of*
17 *technology-related assistance, for individuals with dis-*
18 *abilities of all ages, that are designed to—*

19 “(A) *increase the availability of, funding*
20 *for, access to, provision of, and training about*
21 *assistive technology devices and assistive tech-*
22 *nology services;*

23 “(B) *increase the ability of individuals with*
24 *disabilities of all ages to secure and maintain*
25 *possession of assistive technology devices as such*

1 *individuals make the transition between services*
2 *offered by human service agencies or between set-*
3 *tings of daily living (for example, between home*
4 *and work);*

5 “(C) *increase the capacity of public agen-*
6 *cies and private entities to provide and pay for*
7 *assistive technology devices and assistive tech-*
8 *nology services on a statewide basis for individ-*
9 *uals with disabilities of all ages;*

10 “(D) *increase the involvement of individ-*
11 *uals with disabilities and, if appropriate, their*
12 *family members, guardians, advocates, and au-*
13 *thorized representatives, in decisions related to*
14 *the provision of assistive technology devices and*
15 *assistive technology services;*

16 “(E) *increase and promote coordination*
17 *among State agencies, between State and local*
18 *agencies, among local agencies, and between*
19 *State and local agencies and private entities*
20 *(such as managed care providers), that are in-*
21 *volved or are eligible to be involved in carrying*
22 *out activities under this Act;*

23 “(F) *increase the awareness and facilitate*
24 *the change of laws, regulations, policies, prac-*
25 *tices, procedures, and organizational structures,*

1 *that facilitate the availability or provision of as-*
2 *sistive technology devices and assistive technology*
3 *services; and*

4 “(G) *increase awareness and knowledge of*
5 *the benefits of assistive technology devices and*
6 *assistive technology services among targeted indi-*
7 *viduals and the general population; and*

8 “(2) *to provide States with financial assistance*
9 *that supports programs designed to maximize the*
10 *ability of individuals with disabilities and their fam-*
11 *ily members, guardians, advocates, and authorized*
12 *representatives to obtain assistive technology devices*
13 *and assistive technology services.*

14 **“SEC. 3. DEFINITIONS.**

15 *“In this Act:*

16 “(1) *ADVOCACY SERVICES.—The term ‘advocacy*
17 *services’, except as used as part of the term ‘protection*
18 *and advocacy services’, means services provided to as-*
19 *sist individuals with disabilities and their family*
20 *members, guardians, advocates, and authorized rep-*
21 *resentatives in accessing assistive technology devices*
22 *and assistive technology services.*

23 “(2) *AMERICAN INDIAN CONSORTIUM.—The term*
24 *‘American Indian Consortium’ has the meaning given*
25 *the term in section 102(1) of the Developmental Dis-*

1 *abilities Assistance and Bill of Rights Act of 2000*
 2 *and that is established to provide protection and ad-*
 3 *vocacy services for purposes of receiving funding*
 4 *under subtitle C of title I of such Act.*

5 “(3) *ASSISTIVE TECHNOLOGY.*—*The term ‘assist-*
 6 *ive technology’ means technology designed to be uti-*
 7 *lized in an assistive technology device or assistive*
 8 *technology service.*

9 “(4) *ASSISTIVE TECHNOLOGY DEVICE.*—*The term*
 10 *‘assistive technology device’ means any item, piece of*
 11 *equipment, or product system, whether acquired com-*
 12 *mercially, modified, or customized, that is used to in-*
 13 *crease, maintain, or improve functional capabilities*
 14 *of individuals with disabilities.*

15 “(5) *ASSISTIVE TECHNOLOGY SERVICE.*—*The*
 16 *term ‘assistive technology service’ means any service*
 17 *that directly assists an individual with a disability*
 18 *in the selection, acquisition, or use of an assistive*
 19 *technology device. Such term includes—*

20 “(A) *the evaluation of the assistive tech-*
 21 *nology needs of an individual with a disability,*
 22 *including a functional evaluation of the impact*
 23 *of the provision of appropriate assistive tech-*
 24 *nology and appropriate services to the indi-*

1 *vidual in the customary environment of the indi-*
2 *vidual;*

3 *“(B) services consisting of purchasing, leas-*
4 *ing, or otherwise providing for the acquisition of*
5 *assistive technology devices by individuals with*
6 *disabilities;*

7 *“(C) services consisting of selecting, design-*
8 *ing, fitting, customizing, adapting, applying,*
9 *maintaining, repairing, or replacing assistive*
10 *technology devices;*

11 *“(D) coordination and use of necessary*
12 *therapies, interventions, or services with assistive*
13 *technology devices, such as therapies, interven-*
14 *tions, or services associated with education and*
15 *rehabilitation plans and programs;*

16 *“(E) training or technical assistance for an*
17 *individual with disabilities, or, where appro-*
18 *priate, the family members, guardians, advo-*
19 *cates, or authorized representatives of such an*
20 *individual; and*

21 *“(F) training or technical assistance for*
22 *professionals (including individuals providing*
23 *education and rehabilitation services), employ-*
24 *ers, or other individuals who provide services to,*
25 *employ, or are otherwise substantially involved*

1 *in the major life functions of individuals with*
2 *disabilities.*

3 “(6) *CAPACITY BUILDING AND ADVOCACY ACTIVITIES.*—*The term ‘capacity building and advocacy activities’ means efforts that—*

6 “(A) *result in laws, regulations, policies,*
7 *practices, procedures, or organizational struc-*
8 *tures that promote consumer-responsive pro-*
9 *grams or entities; and*

10 “(B) *facilitate and increase access to, provi-*
11 *sion of, and funding for, assistive technology de-*
12 *vices and assistive technology services,*
13 *in order to empower individuals with disabilities to*
14 *achieve greater independence, productivity, and inte-*
15 *gration and inclusion within the community and the*
16 *workforce.*

17 “(7) *COMPREHENSIVE STATEWIDE PROGRAM OF*
18 *TECHNOLOGY-RELATED ASSISTANCE.*—*The term ‘com-*
19 *prehensive statewide program of technology-related as-*
20 *sistance’ means a consumer-responsive program of*
21 *technology-related assistance for individuals with dis-*
22 *abilities, implemented by a State, and equally avail-*
23 *able to all individuals with disabilities residing in*
24 *the State, regardless of their type of disability, age,*
25 *income level, or location of residence in the State, or*

1 *the type of assistive technology device or assistive*
2 *technology service required.*

3 “(8) *CONSUMER-RESPONSIVE.*—*The term ‘con-*
4 *sumer-responsive’—*

5 “(A) *with regard to policies, means that the*
6 *policies are consistent with the principles of—*

7 “(i) *respect for individual dignity, per-*
8 *sonal responsibility, self-determination, and*
9 *pursuit of meaningful careers, based on in-*
10 *formed choice, of individuals with disabil-*
11 *ities;*

12 “(ii) *respect for the privacy, rights,*
13 *and equal access (including the use of acces-*
14 *sible formats) of such individuals;*

15 “(iii) *inclusion, integration, and full*
16 *participation of such individuals in society;*

17 “(iv) *support for the involvement in*
18 *decisions of a family member, a guardian,*
19 *an advocate, or an authorized representa-*
20 *tive, if an individual with a disability re-*
21 *quests, desires, or needs such involvement;*
22 *and*

23 “(v) *support for individual and sys-*
24 *tems advocacy and community involvement;*
25 *and*

1 “(B) *with respect to an entity, program, or*
2 *activity, means that the entity, program, or ac-*
3 *tivity—*

4 “(i) *is easily accessible to, and usable*
5 *by, individuals with disabilities and, when*
6 *appropriate, their family members, guard-*
7 *ians, advocates, or authorized representa-*
8 *tives;*

9 “(ii) *responds to the needs of individ-*
10 *uals with disabilities in a timely and ap-*
11 *propriate manner; and*

12 “(iii) *facilitates the full and meaning-*
13 *ful participation of individuals with dis-*
14 *abilities (including individuals from under-*
15 *represented populations and rural popu-*
16 *lations) and their family members, guard-*
17 *ians, advocates, and authorized representa-*
18 *tives, in—*

19 “(I) *decisions relating to the pro-*
20 *vision of assistive technology devices*
21 *and assistive technology services to*
22 *such individuals; and*

23 “(II) *decisions related to the*
24 *maintenance, improvement, and eval-*
25 *uation of the comprehensive statewide*

1 *program of technology-related assist-*
2 *ance, including decisions that affect ca-*
3 *capacity building and advocacy activi-*
4 *ties.*

5 “(9) *DISABILITY.*—*The term ‘disability’ means a*
6 *condition of an individual that is considered to be a*
7 *disability or handicap for the purposes of any Fed-*
8 *eral law other than this Act or for the purposes of the*
9 *law of the State in which the individual resides.*

10 “(10) *INDIVIDUAL WITH A DISABILITY; INDIVID-*
11 *UALS WITH DISABILITIES.*—

12 “(A) *INDIVIDUAL WITH A DISABILITY.*—*The*
13 *term ‘individual with a disability’ means any*
14 *individual of any age, race, or ethnicity—*

15 “(i) *who has a disability; and*

16 “(ii) *who is or would be enabled by an*
17 *assistive technology device or an assistive*
18 *technology service to minimize deterioration*
19 *in functioning, to maintain a level of func-*
20 *tioning, or to achieve a greater level of func-*
21 *tioning in any major life activity.*

22 “(B) *INDIVIDUALS WITH DISABILITIES.*—
23 *The term ‘individuals with disabilities’ means*
24 *more than one individual with a disability.*

1 “(11) *INSTITUTION OF HIGHER EDUCATION.*—
 2 *The term ‘institution of higher education’ has the*
 3 *meaning given such term in section 101 of the Higher*
 4 *Education Act of 1965 (20 U.S.C. 1141(a)), and in-*
 5 *cludes a community college receiving funding under*
 6 *the Tribally Controlled Community College Assistance*
 7 *Act of 1978 (25 U.S.C. 1801 et seq.).*

8 “(12) *PROTECTION AND ADVOCACY SERVICES.*—
 9 *The term ‘protection and advocacy services’ means*
 10 *services that—*

11 “(A) *are described in part C of the Develop-*
 12 *mental Disabilities Assistance and Bill of Rights*
 13 *Act (42 U.S.C. 6041 et seq.), the Protection and*
 14 *Advocacy for Mentally Ill Individuals Act of*
 15 *1986 (42 U.S.C. 10801 et seq.), or section 509 of*
 16 *the Rehabilitation Act of 1973; and*

17 “(B) *assist individuals with disabilities*
 18 *with respect to assistive technology devices and*
 19 *assistive technology services.*

20 “(13) *SECRETARY.*—*The term ‘Secretary’ means*
 21 *the Secretary of Education.*

22 “(14) *STATE.*—

23 “(A) *IN GENERAL.*—*Except as provided in*
 24 *subparagraph (B), the term ‘State’ means each*
 25 *of the several States of the United States, the*

1 *District of Columbia, the Commonwealth of*
2 *Puerto Rico, the United States Virgin Islands,*
3 *Guam, American Samoa, and the Common-*
4 *wealth of the Northern Mariana Islands.*

5 “(B) *OUTLYING AREAS.*—*In sections 4(c)*
6 *and 5(b):*

7 “(i) *OUTLYING AREA.*—*The term ‘out-*
8 *lying area’ means the United States Virgin*
9 *Islands, Guam, American Samoa, and the*
10 *Commonwealth of the Northern Mariana Is-*
11 *lands.*

12 “(ii) *STATE.*—*The term ‘State’ does*
13 *not include the United States Virgin Is-*
14 *lands, Guam, American Samoa, and the*
15 *Commonwealth of the Northern Mariana Is-*
16 *lands.*

17 “(15) *TARGETED INDIVIDUALS.*—*The term ‘tar-*
18 *geted individuals’ means—*

19 “(A) *individuals with disabilities of all ages*
20 *and their family members, guardians, advocates,*
21 *and authorized representatives;*

22 “(B) *individuals who work for public or*
23 *private entities (including insurers or managed*
24 *care providers), that have contact with individ-*
25 *uals with disabilities;*

1 “(C) *educators and related services per-*
2 *sonnel;*

3 “(D) *technology experts (including engi-*
4 *neers);*

5 “(E) *health and allied health professionals;*

6 “(F) *employers; and*

7 “(G) *other appropriate individuals and en-*
8 *tities.*

9 “(16) *TECHNOLOGY-RELATED ASSISTANCE.—The*
10 *term ‘technology-related assistance’ means assistance*
11 *provided through capacity building and advocacy ac-*
12 *tivities that accomplish the purposes described in any*
13 *of subparagraphs (A) through (G) of section 2(b)(1).*

14 “(17) *UNDERREPRESENTED POPULATION.—The*
15 *term ‘underrepresented population’ means a popu-*
16 *lation that is typically underrepresented in service*
17 *provision, and includes populations such as persons*
18 *who have low-incidence disabilities, persons who are*
19 *minorities, poor persons, persons with limited-English*
20 *proficiency, older individuals, or persons from rural*
21 *areas.*

22 “(18) *UNIVERSAL DESIGN.—The term ‘universal*
23 *design’ means a concept or philosophy for designing*
24 *and delivering products and services that are usable*
25 *by people with the widest possible range of functional*

1 *capabilities, which include products and services that*
 2 *are directly usable (without requiring assistive tech-*
 3 *nologies) and products and services that are made us-*
 4 *able with assistive technologies.*

5 **“SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE**
 6 **TECHNOLOGY DEVICES AND ASSISTIVE TECH-**
 7 **NOLOGY SERVICES.**

8 *“(a) GRANTS TO STATES.—The Secretary shall award*
 9 *grants, in accordance with this section, to States to main-*
 10 *tain comprehensive statewide programs of technology re-*
 11 *lated assistance to support programs that are designed to*
 12 *maximize the ability of individuals with disabilities and*
 13 *their family members, guardians, advocates, and authorized*
 14 *representatives to obtain assistive technology devices and*
 15 *assistive technology services.*

16 *“(b) USE OF FUNDS.—*

17 *“(1) IN GENERAL.—*

18 *“(A) REQUIRED ACTIVITIES.—Except as*
 19 *provided in subparagraph (C), any State that*
 20 *receives a grant under this section shall use a*
 21 *portion of the funds made available through the*
 22 *grant to carry out the activities described in sub-*
 23 *paragraphs (A) and (B) of paragraph (2).*

24 *“(B) DISCRETIONARY ACTIVITIES.—Any*
 25 *State that receives a grant under this section*

1 *may use the funds made available through the*
2 *grant to carry out the activities described in sub-*
3 *paragraph (C) or (D) of paragraph (2).*

4 *“(C) SPECIAL RULE.—Any State in which*
5 *financial support for the activities described in*
6 *subparagraph (A) or (B) of paragraph (2) is*
7 *provided from State or other resources shall not*
8 *be required to expend the funds provided under*
9 *the grant to carry out the activities described in*
10 *subparagraph (A) or (B), as the case may be.*
11 *Such financial support shall be comparable to*
12 *the amount of the grant the State would other-*
13 *wise have expended for such activities.*

14 *“(2) STATE-LEVEL ACTIVITIES.—*

15 *“(A) STATE FINANCE SYSTEMS.—The State*
16 *shall support activities to increase access to, and*
17 *funding for, assistive technology devices and as-*
18 *sistive technology services, including the develop-*
19 *ment of systems to provide assistive technology*
20 *devices and assistive technology services to indi-*
21 *viduals with disabilities of all ages, and that*
22 *pay for such devices and services, such as—*

23 *“(i) the development of systems for the*
24 *purchase, lease, other acquisition, or pay-*
25 *ment for the provision of assistive tech-*

1 *nology devices and assistive technology serv-*
2 *ices; or*

3 “(ii) *the establishment of alternative*
4 *State or privately funded systems of sub-*
5 *sidies for the provision of assistive tech-*
6 *nology devices or assistive technology serv-*
7 *ices, such as—*

8 “(I) *a low-interest loan fund;*

9 “(II) *an interest buy-down pro-*
10 *gram;*

11 “(III) *a revolving loan fund;*

12 “(IV) *a loan guarantee or insur-*
13 *ance program;*

14 “(V) *a program operated by a*
15 *partnership among private entities for*
16 *the purchase, lease, or other acquisition*
17 *of assistive technology devices or assist-*
18 *ive technology services; or*

19 “(VI) *another mechanism ap-*
20 *proved by the Secretary.*

21 “(B) *DEVICE LOAN PROGRAMS.—The State*
22 *shall directly, or in collaboration with public or*
23 *private entities, carry out device loan programs*
24 *that support the short-term loan of assistive tech-*
25 *nology devices to individuals, employers, public*

1 *agencies, public accommodations, or others seek-*
2 *ing to meet the needs of targeted individuals, in-*
3 *cluding to comply with the Individuals with Dis-*
4 *abilities Education Act, the Americans with Dis-*
5 *abilities Act of 1990, and section 504 of the Re-*
6 *habilitation Act of 1973.*

7 “(C) *DEVICE REUTILIZATION PROGRAMS.—*
8 *The State shall directly, or in collaboration with*
9 *public or private entities, carry out assistive*
10 *technology device reutilization programs that*
11 *provide for the exchange, recycling, or other re-*
12 *utilization of assistive technology devices, which*
13 *may include redistribution through device and*
14 *equipment loans, rentals, or gifts.*

15 “(D) *DEVICE DEMONSTRATION PROGRAM.—*
16 *The State shall directly, or in collaboration with*
17 *public or private entities, carry out assistive*
18 *technology device demonstration programs that*
19 *provide for the ability of targeted individuals to*
20 *learn about the use and operation of assistive*
21 *technology devices.*

22 “(3) *STATE LEADERSHIP ACTIVITIES.—*

23 “(A) *IN GENERAL.—Any State that receives*
24 *a grant under this section may use up to 40 per-*
25 *cent of the funds made available through the*

1 *grant to carry out the activities described in sub-*
2 *paragraph (B).*

3 “(B) *REQUIRED ACTIVITIES.*—*The State*
4 *shall support—*

5 “(i) *public awareness activities de-*
6 *signed to provide information to targeted*
7 *individuals relating to the availability and*
8 *benefits of assistive technology devices and*
9 *assistive technology services, including—*

10 “(I) *the development and dissemi-*
11 *nation of information relating to—*

12 “(aa) *the nature of assistive*
13 *technology devices and assistive*
14 *technology services;*

15 “(bb) *the appropriateness of,*
16 *cost of, availability of, evaluation*
17 *of, and access to, assistive tech-*
18 *nology devices and assistive tech-*
19 *nology services; and*

20 “(cc) *the benefits of assistive*
21 *technology devices and assistive*
22 *technology services with respect to*
23 *enhancing the capacity of individ-*
24 *uals with disabilities of all ages to*
25 *perform activities of daily living;*

1 “(II) the development of proce-
2 dures for providing direct communica-
3 tion between providers of assistive tech-
4 nology and targeted individuals, which
5 may include partnerships with the
6 State and local workforce investment
7 system established under the Workforce
8 Investment Act of 1998, State voca-
9 tional rehabilitation centers, public
10 and private employers, or elementary
11 and secondary public schools;

12 “(III) the development and dis-
13 semination, to targeted individuals, of
14 information about State efforts related
15 to assistive technology; and

16 “(IV) the distribution of materials
17 to appropriate public and private
18 agencies that provide social, medical,
19 educational, employment, and trans-
20 portation services to individuals with
21 disabilities; and

22 “(ii) technical assistance and training
23 on—

24 “(I) the development of training
25 materials and the conduct of training

1 *in the use of assistive technology de-*
2 *vices and assistive technology services;*

3 *“(II) providing technical assist-*
4 *ance, including technical assistance*
5 *concerning how—*

6 *“(aa) to consider the needs of*
7 *an individual with a disability*
8 *for assistive technology devices*
9 *and assistive technology services*
10 *in developing any individualized*
11 *plan or program authorized under*
12 *Federal or State law; and*

13 *“(bb) to increase consumer*
14 *participation regarding assistive*
15 *technology devices and assistive*
16 *technology services; and*

17 *“(III) the enhancement of the as-*
18 *sistive technology skills and com-*
19 *petencies of—*

20 *“(aa) individuals who work*
21 *for public or private entities (in-*
22 *cluding insurers and managed*
23 *care providers), who have contact*
24 *with individuals with disabilities;*

1 “(bb) educators and related
2 services personnel;

3 “(cc) technology experts (in-
4 cluding engineers);

5 “(dd) health and allied
6 health professionals;

7 “(ee) employers; and

8 “(ff) other appropriate per-
9 sonnel; and

10 “(iii) outreach and support to state-
11 wide and community-based organizations
12 that provide assistive technology devices and
13 assistive technology services to individuals
14 with disabilities or that assist individuals
15 with disabilities in using assistive tech-
16 nology devices and assistive technology serv-
17 ices, including a focus on organizations as-
18 sisting individuals from underrepresented
19 populations and rural populations, and fur-
20 ther including support such as outreach to
21 consumer organizations and groups in the
22 State to coordinate efforts to assist individ-
23 uals with disabilities of all ages and their
24 family members, guardians, advocates, or
25 authorized representatives, to obtain fund-

1 *ing for, access to, and information on eval-*
2 *uation of assistive technology devices and*
3 *assistive technology services.*

4 “(C) *AUTHORIZED ACTIVITIES.*—*The State*
5 *may support the operation and administration*
6 *of the activities in paragraph (2), through inter-*
7 *agency coordination to develop and promote the*
8 *adoption of policies that improve access to assist-*
9 *ive technology devices and assistive technology*
10 *services for individuals with disabilities of all*
11 *ages in the State and that result in improved co-*
12 *ordination among public and private entities*
13 *that are responsible or have the authority to be*
14 *responsible, for policies, procedures, or funding*
15 *for, or the provision of assistive technology de-*
16 *vices and assistive technology services to, such*
17 *individuals.*

18 “(4) *INDIRECT COSTS.*—*Not more than 10 per-*
19 *cent of the funds made available through a grant to*
20 *a State under this section may be used for indirect*
21 *costs.*

22 “(5) *PROHIBITION.*—*Funds made available*
23 *through a grant to a State under this section shall*
24 *not be used for direct payment for an assistive tech-*
25 *nology device for an individual with a disability.*

1 “(6) *STATE FLEXIBILITY.*—

2 “(A) *IN GENERAL.*—*Notwithstanding para-*
 3 *graph (1)(A) and subject to subparagraph (B), a*
 4 *State may use funds that it receives under a*
 5 *grant under this section to carry out any of the*
 6 *activities described in paragraph (2).*

7 “(B) *SPECIAL RULE.*—*Notwithstanding*
 8 *paragraph (3)(A), any State which exercises its*
 9 *authority under subparagraph (A) may not use*
 10 *more than 30 percent of the funds made avail-*
 11 *able through the grant to carry out the activities*
 12 *described in paragraph (3)(B).*

13 “(c) *AMOUNT OF FINANCIAL ASSISTANCE.*—

14 “(1) *GRANTS TO OUTLYING AREAS.*—*From the*
 15 *funds appropriated under section 8(a) for any fiscal*
 16 *year for grants under this section, the Secretary shall*
 17 *make a grant in an amount of not more than*
 18 *\$105,000 to each eligible outlying area.*

19 “(2) *GRANTS TO STATES.*—*From the funds de-*
 20 *scribed in paragraph (1) that are not used to make*
 21 *grants under paragraph (1), the Secretary shall make*
 22 *grants to States in accordance with the requirements*
 23 *described in paragraph (3).*

24 “(3) *CALCULATION OF STATE GRANTS.*—

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), the Secretary shall allocate*
3 *funds to each State for a fiscal year in an*
4 *amount that bears the same ratio as the popu-*
5 *lation of the State bears to the population of all*
6 *States.*

7 “(B) *MINIMUM ALLOTMENT.*—*A State shall*
8 *receive an amount under a grant for a fiscal*
9 *year that is not less than the amount the State*
10 *received under the grant provided under title I*
11 *of this Act (as in effect on the day before the date*
12 *of the enactment of the Improving Access to As-*
13 *sistive Technology for Individuals with Disabil-*
14 *ities Act of 2004) for fiscal year 2004.*

15 “(C) *RATABLE REDUCTIONS.*—

16 “(i) *IN GENERAL.*—*If amounts made*
17 *available to carry out this section for any*
18 *fiscal year are insufficient to meet the min-*
19 *imum allotment requirement for each State*
20 *under subparagraph (B) for such fiscal*
21 *year, the Secretary shall ratably reduce*
22 *such amounts for such fiscal year.*

23 “(ii) *ADDITIONAL FUNDS.*—*If addi-*
24 *tional funds become available for making*
25 *payments described under this subsection*

1 *for any such fiscal year, the amounts that*
2 *were reduced under clause (i) shall be in-*
3 *creased on the same basis as such amounts*
4 *were reduced.*

5 “(d) *LEAD AGENCY.*—

6 “(1) *DESIGNATION.*—*To be eligible to receive a*
7 *grant under this section, the Governor of the State*
8 *shall designate in accordance with paragraph (2) a*
9 *lead agency to administer the grant under this sec-*
10 *tion.*

11 “(2) *ELIGIBLE ENTITIES.*—*For purposes of*
12 *paragraph (1), the Governor of the State may des-*
13 *ignate one of the following:*

14 “(A) *The State agency responsible for the*
15 *administration of vocational rehabilitation in*
16 *the State.*

17 “(B) *A commission, council, or other offi-*
18 *cial body appointed by the Governor.*

19 “(C) *A public-private partnership or con-*
20 *sortium.*

21 “(D) *A public agency (including the office*
22 *of the Governor, a State oversight office, a State*
23 *agency, a public institution of higher education,*
24 *or other public entity).*

1 “(E) *A council established under Federal or*
2 *State law.*

3 “(F) *An organization described in section*
4 *501(c)(3) of Internal Revenue Code of 1986 and*
5 *exempt from tax under section 501(a) of that*
6 *Act.*

7 “(G) *Another appropriate office, agency, en-*
8 *tity, or organization.*

9 “(3) *DUTIES OF THE LEAD AGENCY.—The duties*
10 *of the lead agency shall include—*

11 “(A) *submitting the application described*
12 *in subsection (e) on behalf of the State;*

13 “(B) *administering and supervising the use*
14 *of amounts made available under the grant re-*
15 *ceived by the State under this section;*

16 “(C)(i) *coordinating efforts related to, and*
17 *supervising the preparation of, the application*
18 *described in subsection (e);*

19 “(ii) *coordinating, maintaining, and evalu-*
20 *ating the comprehensive statewide program of*
21 *technology-related assistance among public agen-*
22 *cies and between public agencies and private en-*
23 *tities, including coordinating efforts related to*
24 *entering into interagency agreements; and*

1 “(iii) coordinating efforts, especially efforts
2 carried out with entities that provide protection
3 and advocacy services described in section 5, re-
4 lated to the active, timely, and meaningful par-
5 ticipation by individuals with disabilities and
6 their family members, guardians, advocates, or
7 authorized representatives, and other appro-
8 priate individuals, with respect to activities car-
9 ried out under the grant;

10 “(D) delegating, in whole or in part, any
11 responsibilities described in subparagraph (A),
12 (B), or (C) to one or more appropriate offices,
13 agencies, entities, or individuals; and

14 “(E) establishing a partnership or partner-
15 ships with private providers of social, medical,
16 educational, employment, and transportation
17 services to individuals with disabilities.

18 “(4) *CHANGE IN LEAD AGENCY.*—The Governor
19 may change the lead agency of the State (to an agen-
20 cy other than the lead agency of the State as of the
21 date of the enactment of the Improving Access to As-
22 sistive Technology for Individuals with Disabilities
23 Act of 2004) if the Governor provides a justification
24 in the application to the Secretary for such action.
25 Nothing in this subsection shall be construed to re-

1 *quire the Governor of a State to change the lead agen-*
 2 *cy of the State to an agency other than the lead agen-*
 3 *cy of such State as of the date of the enactment of the*
 4 *Improving Access to Assistive Technology for Individ-*
 5 *uals with Disabilities Act of 2004.*

6 “(e) *STATE APPLICATION.*—

7 “(1) *SUBMISSION.*—*Any State that desires to re-*
 8 *ceive a grant under this section shall submit to the*
 9 *Secretary an application at such time and in such*
 10 *manner as the Secretary may specify.*

11 “(2) *CONTENT.*—*Each application shall contain,*
 12 *at a minimum, the following information:*

13 “(A) *PLANNED ACTIVITIES.*—*A description*
 14 *of those activities described in subsection (b)(2)*
 15 *that the State will carry out under the grant.*

16 “(B) *MEASURABLE GOALS.*—*A description*
 17 *of—*

18 “(i) *the measurable goals the State has*
 19 *set for addressing the assistive technology*
 20 *needs of individuals with disabilities in the*
 21 *State, including any measurable goals, and*
 22 *a timeline for meeting such goals, related*
 23 *to—*

24 “(I) *education, including goals in-*
 25 *volving the provision of assistive tech-*

1 *nology to individuals with disabilities*
 2 *that receive services under the Individ-*
 3 *uals with Disabilities Education Act;*

4 *“(II) employment, including goals*
 5 *involving the State vocational rehabili-*
 6 *tation program carried out under title*
 7 *I of the Rehabilitation Act of 1973;*

8 *“(III) telecommunication and in-*
 9 *formation technology; and*

10 *“(IV) community living; and*

11 *“(ii) how the State will quantifiably*
 12 *measure the goals to determine whether the*
 13 *goals have been achieved.*

14 *“(C) INVOLVEMENT OF INDIVIDUALS WITH*
 15 *DISABILITIES OF ALL AGES AND THEIR FAMI-*
 16 *LIES.—A description of how individuals with*
 17 *disabilities of all ages and their families—*

18 *“(i) were involved in selecting—*

19 *“(I) the goals;*

20 *“(II) the activities to be under-*
 21 *taken in achieving the goals; and*

22 *“(III) the measures to be used in*
 23 *judging if the goals have been achieved;*
 24 *and*

1 “(ii) will be involved in measuring
2 whether the goals have been achieved.

3 “(D) *STATE SUPPORT*.—A description of
4 those activities described in subsection (b)(2) that
5 the State will support under the grant, including
6 at a minimum the State’s plans to provide fi-
7 nancial support, consistent with subsection
8 (b)(1), for the activities described in subpara-
9 graphs (A) and (B) of such subsection.

10 “(E) *ASSURANCE*.—An assurance that the
11 physical location of the entity responsible for
12 conducting the State activities under this Act
13 meets the requirements of the Americans with
14 Disabilities Act of 1990 regarding accessibility
15 for individuals with disabilities.

16 “(F) *OTHER INFORMATION*.—Such other in-
17 formation as the Secretary may reasonably re-
18 quire.

19 **“SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVO-**
20 **CACY RELATED TO ASSISTIVE TECHNOLOGY.**

21 “(a) *GRANTS TO STATES*.—The Secretary shall make
22 a grant to an entity in each State to support protection
23 and advocacy services through the systems established to
24 provide protection and advocacy services under the Develop-
25 mental Disabilities Assistance and Bill of Rights Act (42

1 *U.S.C. 6000 et seq.) for the purposes of assisting in the ac-*
 2 *quisition, utilization, or maintenance of assistive tech-*
 3 *nology or assistive technology services for individuals with*
 4 *disabilities.*

5 “(b) *AMOUNT OF FINANCIAL ASSISTANCE.*—

6 “(1) *GRANTS TO OUTLYING AREAS AND AMER-*
 7 *ICAN INDIAN CONSORTIUM.*—

8 “(A) *OUTLYING AREAS.*—*From the funds*
 9 *appropriated under section 8(b) for any fiscal*
 10 *year, the Secretary shall make a grant in an*
 11 *amount of not more than \$30,000 to each eligible*
 12 *system within an outlying area.*

13 “(B) *AMERICAN INDIAN CONSORTIUM.*—
 14 *From the funds appropriated under section 8(b)*
 15 *for any fiscal year, the Secretary shall make a*
 16 *grant in an amount of not more than \$30,000 to*
 17 *the American Indian Consortium to provide*
 18 *services in the same manner as an eligible sys-*
 19 *tem described under this section. If the amount*
 20 *appropriated under section 8(b) for a fiscal year*
 21 *exceeds the amount appropriated under such sec-*
 22 *tion for the preceding fiscal year, then the*
 23 *amount referred to in the preceding sentence*
 24 *shall be increased for such fiscal year by the*
 25 *same percentage as such amount appropriated*

1 *under section 8(b) exceeds the amount appro-*
2 *priated under such section for the preceding fis-*
3 *cal year.*

4 “(2) *GRANTS TO STATES.*—*For any fiscal year,*
5 *after reserving funds to make grants under paragraph*
6 *(1), the Secretary shall make allotments from the re-*
7 *mainder of the funds in accordance with paragraph*
8 *(3) to eligible systems within States to support protec-*
9 *tion and advocacy services as described in subsection*
10 *(a). The Secretary shall make grants to the eligible*
11 *systems from the allotments.*

12 “(3) *SYSTEMS WITHIN STATES.*—

13 “(A) *POPULATION BASIS.*—*Except as pro-*
14 *vided in subparagraph (B), from such remainder*
15 *for each fiscal year, the Secretary shall make an*
16 *allotment to the eligible system within a State of*
17 *an amount bearing the same ratio to such re-*
18 *mainder as the population of the State bears to*
19 *the population of all States.*

20 “(B) *MINIMUMS.*—*Subject to the avail-*
21 *ability of appropriations to carry out this sec-*
22 *tion, the allotment to any system under subpara-*
23 *graph (A) shall be not less than \$50,000, and the*
24 *allotment to any system under this paragraph*

1 *for any fiscal year that is less than \$50,000 shall*
2 *be increased to \$50,000.*

3 “(4) *REALLOTMENT.*—Whenever the Secretary
4 *determines that any amount of an allotment under*
5 *paragraph (3) to a system within a State for any fis-*
6 *cal year will not be expended by such system in car-*
7 *rying out the provisions of this section, the Secretary*
8 *shall make such amount available for carrying out the*
9 *provisions of this section to all other systems in the*
10 *same proportion such amounts were first allocated to*
11 *such systems.*

12 “(5) *CARRYOVER.*—Any amount paid to an eli-
13 *gible system for a fiscal year under this section that*
14 *remains unobligated at the end of such fiscal year*
15 *shall remain available to such system for obligation*
16 *during the subsequent fiscal year, except that program*
17 *income generated from such amount shall remain*
18 *available for two additional fiscal years and may*
19 *only be used to improve the awareness of individuals*
20 *with disabilities on the accessibility of assistive tech-*
21 *nology and assisting such individuals in the acquisi-*
22 *tion, utilization, or maintenance of assistive tech-*
23 *nology or assistive technology services.*

24 “(c) *REPORT TO SECRETARY.*—An entity that receives
25 *a grant under this section shall annually prepare and sub-*

1 *mit to the Secretary a report that contains such informa-*
2 *tion as the Secretary may require, including documentation*
3 *of the progress of the entity in—*

4 “(1) *conducting consumer-responsive activities,*
5 *including activities that will lead to increased access,*
6 *for individuals with disabilities, to funding for assist-*
7 *ive technology devices and assistive technology serv-*
8 *ices;*

9 “(2) *engaging in informal advocacy to assist in*
10 *securing assistive technology and assistive technology*
11 *services for individuals with disabilities;*

12 “(3) *engaging in formal representation for indi-*
13 *viduals with disabilities to secure systems change, and*
14 *in advocacy activities to secure assistive technology*
15 *and assistive technology services for individuals with*
16 *disabilities;*

17 “(4) *developing and implementing strategies to*
18 *enhance the long-term abilities of individuals with*
19 *disabilities and their family members, guardians, ad-*
20 *vocates, and authorized representatives to advocate the*
21 *provision of assistive technology devices and assistive*
22 *technology services to which the individuals with dis-*
23 *abilities are entitled under law other than this Act;*

24 “(5) *coordinating activities with protection and*
25 *advocacy services funded through sources other than*

1 *this Act, and coordinating activities with the capac-*
 2 *ity building and advocacy activities carried out by*
 3 *the lead agency; and*

4 *“(6) effectively allocating carryover funds de-*
 5 *scribed in subsection (b)(5) to improve the awareness*
 6 *of individuals with disabilities on the accessibility of*
 7 *assistive technology and assisting them in the acquisi-*
 8 *tion, utilization, or maintenance of assistive tech-*
 9 *nology or assistive technology services.*

10 *“(d) REPORTS AND UPDATES TO STATE AGENCIES.—*
 11 *An entity that receives a grant under this section shall pre-*
 12 *pare and submit to the lead agency the report described in*
 13 *subsection (c) and quarterly updates concerning the activi-*
 14 *ties described in subsection (c).*

15 *“(e) COORDINATION.—On making a grant under this*
 16 *section to an entity in a State, the Secretary shall solicit*
 17 *and consider the opinions of the lead agency of the State*
 18 *designated under section 4(d) with respect to efforts at co-*
 19 *ordination, collaboration, and promoting outcomes between*
 20 *the lead agency and the entity that receives the grant under*
 21 *this section.*

22 **“SEC. 6. ADMINISTRATIVE PROVISIONS.**

23 *“(a) GENERAL ADMINISTRATION.—Notwithstanding*
 24 *any other provision of law, the Rehabilitation Services Ad-*
 25 *ministration in the Office of Special Education and Reha-*

1 *bilitative Services of the Department of Education shall be*
 2 *responsible for the administration of this Act.*

3 “(b) *REVIEW OF PARTICIPATING ENTITIES.*—

4 “(1) *IN GENERAL.*—*The Secretary shall assess*
 5 *the extent to which entities that receive grants pursu-*
 6 *ant to this Act are complying with the applicable re-*
 7 *quirements of this Act and achieving the quantifiable,*
 8 *measurable goals that are consistent with the require-*
 9 *ments of the grant programs under which the entities*
 10 *applied for the grants.*

11 “(2) *PROVISION OF INFORMATION.*—*To assist the*
 12 *Secretary in carrying out the responsibilities of the*
 13 *Secretary under this section, the Secretary may re-*
 14 *quire States to provide relevant information, includ-*
 15 *ing the information required under subsection (d).*

16 “(c) *CORRECTIVE ACTION AND SANCTIONS.*—

17 “(1) *CORRECTIVE ACTION.*—*If the Secretary de-*
 18 *termines that an entity fails to substantially comply*
 19 *with the requirements of this Act or to substantially*
 20 *make progress towards meeting the goals established*
 21 *under section 4(e)(2)(B) with respect to a grant pro-*
 22 *gram, the Secretary shall assist the entity through*
 23 *technical assistance funded under section 7 or other*
 24 *means, within 90 days after such determination, to*
 25 *develop a corrective action plan.*

1 “(2) *SANCTIONS.*—*An entity that fails to develop*
2 *and comply with a corrective action plan as described*
3 *in paragraph (1) during a fiscal year shall be subject*
4 *to one of the following corrective actions selected by*
5 *the Secretary:*

6 “(A) *Partial or complete withholding of*
7 *funds under the grant program until such plan*
8 *is developed and implemented.*

9 “(B) *Reduction in the amount of funding*
10 *that may be used for indirect costs under section*
11 *4(b)(4) for the following year under the grant*
12 *program.*

13 “(C) *Required redesignation of the lead*
14 *agency designated under section 4(d) or an enti-*
15 *ty responsible for administering the grant pro-*
16 *gram.*

17 “(3) *APPEALS PROCEDURES.*—*The Secretary*
18 *shall establish appeals procedures for entities that are*
19 *found to be in noncompliance with the requirements*
20 *of this Act or have not substantially made progress to-*
21 *wards meeting the goals established under section*
22 *4(e)(2)(B).*

23 “(4) *SECRETARIAL ACTION.*—*As part of the an-*
24 *nual report required under subsection (d), the Sec-*
25 *retary shall describe each such action taken under*

1 *paragraph (1) or (2) and the outcomes of each such*
2 *action.*

3 “(5) *PUBLIC NOTIFICATION.*—*The Secretary shall*
4 *notify the public by posting on the Internet website*
5 *of the Department of Education of each action taken*
6 *by the Secretary under paragraph (1) or (2). As a*
7 *part of such notification, the Secretary shall describe*
8 *each such action taken under paragraph (1) or (2)*
9 *and the outcomes of each such action.*

10 “(d) *ANNUAL REPORT.*—

11 “(1) *IN GENERAL.*—*Not later than December 31*
12 *of each year, the Secretary shall prepare, and submit*
13 *to the President and to the Committee on Education*
14 *and the Workforce of the House of Representatives*
15 *and the Committee on Health, Education, Labor, and*
16 *Pensions of the Senate, a report on the activities*
17 *funded under this Act to improve the access of indi-*
18 *viduals with disabilities to assistive technology devices*
19 *and assistive technology services.*

20 “(2) *CONTENTS.*—*Such report shall include in-*
21 *formation on—*

22 “(A) *the type of alternative financing mech-*
23 *anisms used by each State under the program;*

24 “(B) *the amount and type of assistance*
25 *given to consumers (who shall be classified by*

1 *age, type of disability, type of assistive tech-*
2 *nology device or assistive technology service fi-*
3 *nanced through the program, geographic dis-*
4 *tribution within the State, gender, and whether*
5 *the consumers are part of an underrepresented*
6 *population or rural population), including—*

7 *“(i) the number of applications for as-*
8 *sistance received;*

9 *“(ii) the number of applications ap-*
10 *proved and rejected;*

11 *“(iii) the default rate;*

12 *“(iv) the range and average interest*
13 *rate;*

14 *“(v) the range and average income of*
15 *approved loan applicants; and*

16 *“(vi) the types and dollar amounts of*
17 *assistive technology financed;*

18 *“(C) the number, type, and length of time*
19 *of loans of assistive technology devices provided*
20 *to individuals with disabilities, employers, pub-*
21 *lic agencies, or public accomodations, including*
22 *an analysis of the individuals with disabilities*
23 *who have benefited from the device loan program;*

24 *“(D) the number, type, estimated value, and*
25 *scope of device reutilization programs, including*

1 *an analysis of the individuals with disabilities*
2 *that have benefited from the device loan pro-*
3 *gram;*

4 “(E) *the number and type of equipment*
5 *demonstrations provided, including an analysis*
6 *of individuals with disabilities who have bene-*
7 *fited from the program;*

8 “(F) *a summary of the State plans and an-*
9 *ual reports submitted by the States, including*
10 *an analysis of the progress of the States in meet-*
11 *ing their goals established in the State applica-*
12 *tion;*

13 “(G) *the number of individuals who re-*
14 *ceived training and the topics of such training;*

15 “(H) *the frequency and nature of technical*
16 *assistance provided to State and local govern-*
17 *mental agencies and other entities; and*

18 “(I) *the outcomes of interagency coordina-*
19 *tion and collaboration activities carried out by*
20 *the State, as applicable, that support access to*
21 *assistive technology including the type, purpose,*
22 *and source of leveraged funding or other contrib-*
23 *uted resources from public and private entities.*

24 “(e) *EFFECT ON OTHER ASSISTANCE.—This Act may*
25 *not be construed as authorizing a Federal or a State agency*

1 *to reduce medical or other assistance available, or to alter*
 2 *eligibility for a benefit or service, under any other Federal*
 3 *law.*

4 **“SEC. 7. NATIONAL ACTIVITIES.**

5 “(a) *IN GENERAL.*—Through grants, contracts, or co-
 6 *operative agreements, awarded on a competitive basis, the*
 7 *Secretary is authorized to provide technical assistance to*
 8 *entities, principally entities funded under section 4 or 5.*

9 “(b) *INPUT.*—In designing the program to be funded
 10 *under this section, and in deciding the differences in func-*
 11 *tion between national and regionally based technical assist-*
 12 *ance efforts carried out through the program, the Secretary*
 13 *shall consider the input of the directors of comprehensive*
 14 *statewide programs of technology-related assistance and*
 15 *other individuals the Secretary determines to be appro-*
 16 *priate, especially—*

17 “(1) *individuals with disabilities who use assist-*
 18 *ive technology and understand the barriers to the ac-*
 19 *quisition of such technology and assistive technology*
 20 *services;*

21 “(2) *family members, guardians, advocates, and*
 22 *authorized representatives of such individuals; and*

23 “(3) *individuals employed by protection and ad-*
 24 *vocacy systems funded under section 5.*

1 “(c) *AUTHORIZED ACTIVITIES.*—*The Secretary shall*
2 *support activities designed to maximize the impact and*
3 *benefit of assistive technology devices and assistive tech-*
4 *nology services for individuals with disabilities, including*
5 *the following activities:*

6 “(1) *NATIONAL PUBLIC INTERNET SITE.*—

7 “(A) *ESTABLISHMENT OF INTERNET*
8 *SITE.*—*The Secretary shall fund the establish-*
9 *ment and maintenance of a National Public*
10 *Internet Site for the purposes of providing to in-*
11 *dividuals with disabilities and the general public*
12 *technical assistance and information on in-*
13 *creased access to assistive technology devices, as-*
14 *sistive technology services, and other disability-*
15 *related resources.*

16 “(B) *ELIGIBLE ENTITY.*—*To be eligible to*
17 *receive a grant or enter into a contract or coop-*
18 *erative agreement under subsection (a) to estab-*
19 *lish and maintain the Internet site, an entity*
20 *shall be an institution of higher education that*
21 *emphasizes research and engineering, has a mul-*
22 *tidisciplinary research center, and has dem-*
23 *onstrated expertise in—*

1 “(i) *working with assistive technology*
2 *and intelligent agent interactive informa-*
3 *tion dissemination systems;*

4 “(ii) *managing libraries of assistive*
5 *technology and disability-related resources;*

6 “(iii) *delivering education, informa-*
7 *tion, and referral services to individuals*
8 *with disabilities, including technology-based*
9 *curriculum development services for adults*
10 *with low-level reading skills;*

11 “(iv) *developing cooperative partner-*
12 *ships with the private sector, particularly*
13 *with private sector computer software, hard-*
14 *ware, and Internet services entities; and*

15 “(v) *developing and designing ad-*
16 *vanced Internet sites.*

17 “(C) *FEATURES OF INTERNET SITE.—The*
18 *National Public Internet Site described in sub-*
19 *paragraph (A) shall contain the following fea-*
20 *tures:*

21 “(i) *AVAILABILITY OF INFORMATION AT*
22 *ANY TIME.—The site shall be designed so*
23 *that any member of the public may obtain*
24 *information posted on the site at any time.*

1 “(ii) *INNOVATIVE AUTOMATED INTEL-*
2 *LIGENT AGENT.*—*The site shall be con-*
3 *structed with an innovative automated in-*
4 *telligent agent that is a diagnostic tool for*
5 *assisting users in problem definition and*
6 *the selection of appropriate assistive tech-*
7 *nology devices and assistive technology serv-*
8 *ices resources.*

9 “(iii) *RESOURCES.*—

10 “(I) *LIBRARY ON ASSISTIVE*
11 *TECHNOLOGY.*—*The site shall include*
12 *access to a comprehensive working li-*
13 *brary on assistive technology for all en-*
14 *vironments, including home, work-*
15 *place, transportation, and other envi-*
16 *ronments.*

17 “(II) *RESOURCES FOR A NUMBER*
18 *OF DISABILITIES.*—*The site shall in-*
19 *clude resources relating to the largest*
20 *possible number of disabilities, includ-*
21 *ing resources relating to low-level read-*
22 *ing skills.*

23 “(iv) *LINKS TO PRIVATE SECTOR RE-*
24 *SOURCES AND INFORMATION.*—*To the extent*
25 *feasible, the site shall be linked to relevant*

1 *private sector resources and information,*
2 *under agreements developed between the in-*
3 *stitution of higher education and cooper-*
4 *ating private sector entities.*

5 “(D) *MINIMUM LIBRARY COMPONENTS.—At*
6 *a minimum, the Internet site shall maintain up-*
7 *dated information on—*

8 “(i) *how to plan, develop, implement,*
9 *and evaluate activities to further extend*
10 *comprehensive statewide programs of tech-*
11 *nology-related assistance, including the de-*
12 *velopment and replication of effective ap-*
13 *proaches to—*

14 “(I) *providing information and*
15 *referral services;*

16 “(II) *promoting interagency co-*
17 *ordination of training and service de-*
18 *livery among public and private enti-*
19 *ties;*

20 “(III) *conducting outreach to*
21 *underrepresented populations and*
22 *rural populations;*

23 “(IV) *mounting successful public*
24 *awareness activities;*

1 “(V) *improving capacity building*
2 *in service delivery;*

3 “(VI) *training personnel from a*
4 *variety of disciplines; and*

5 “(VII) *improving evaluation*
6 *strategies, research, and data collec-*
7 *tion;*

8 “(ii) *effective approaches to the devel-*
9 *opment of consumer-controlled systems that*
10 *increase access to, funding for, and aware-*
11 *ness of, assistive technology devices and as-*
12 *sistive technology services;*

13 “(iii) *successful approaches to increas-*
14 *ing the availability of public and private*
15 *funding for and access to the provision of*
16 *assistive technology devices and assistive*
17 *technology services by appropriate State*
18 *agencies; and*

19 “(iv) *demonstration sites where indi-*
20 *viduals may try out assistive technology.*

21 “(2) *TECHNICAL ASSISTANCE EFFORTS.—The*
22 *Secretary shall, on a competitive basis, make grants*
23 *to, or enter into cooperative agreements with, eligible*
24 *entities—*

1 “(A) to address State-specific information
2 requests concerning assistive technology from
3 other entities funded under this Act and public
4 entities not funded under this Act, including—

5 “(i) requests for state-of-the-art, or
6 model, Federal, State, and local laws, regu-
7 lations, policies, practices, procedures, and
8 organizational structures, that facilitate,
9 and overcome barriers to, funding for, and
10 access to, assistive technology devices and
11 assistive technology services;

12 “(ii) requests for examples of policies,
13 practices, procedures, regulations, or judi-
14 cial decisions that have enhanced or may
15 enhance access to funding for assistive tech-
16 nology devices and assistive technology serv-
17 ices for individuals with disabilities;

18 “(iii) requests for information on effec-
19 tive approaches to Federal-State coordina-
20 tion of programs for individuals with dis-
21 abilities, related to improving funding for
22 or access to assistive technology devices and
23 assistive technology services for individuals
24 with disabilities of all ages;

1 “(iv) requests for information on effec-
2 tive approaches to the development of con-
3 sumer-controlled systems that increase ac-
4 cess to, funding for, and awareness of, as-
5 sistive technology devices and assistive tech-
6 nology services;

7 “(v) other requests for technical assist-
8 ance from other entities funded under this
9 Act and public entities not funded under
10 this Act; and

11 “(vi) other assignments specified by the
12 Secretary, including assisting entities de-
13 scribed in section 6(b) to develop corrective
14 action plans; and

15 “(B) to assist targeted individuals by dis-
16 seminating information about—

17 “(i) Federal, State, and local laws, reg-
18 ulations, policies, practices, procedures, and
19 organizational structures, that facilitate,
20 and overcome barriers to, funding for, and
21 access to, assistive technology devices and
22 assistive technology services, to promote
23 fuller independence, productivity, and in-
24 clusion in society for individuals with dis-
25 abilities of all ages; and

1 “(ii) *technical assistance activities un-*
 2 *dertaken under subparagraph (A).*

3 “(d) *ELIGIBLE ENTITIES.—To be eligible to compete*
 4 *for grants, contracts, and cooperative agreements under this*
 5 *section, entities shall have documented experience with and*
 6 *expertise in assistive technology service delivery or systems,*
 7 *interagency coordination, and capacity building and advo-*
 8 *cacy activities.*

9 “(e) *APPLICATION.—To be eligible to receive a grant,*
 10 *contract, or cooperative agreement under this section, an*
 11 *entity shall submit an application to the Secretary at such*
 12 *time, in such manner, and containing such information as*
 13 *the Secretary may require.*

14 **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) *STATE GRANTS FOR ASSISTIVE TECHNOLOGY;*
 16 *NATIONAL ACTIVITIES.—There are authorized to be appro-*
 17 *priated to carry out sections 4 and 7 of this Act \$21,524,000*
 18 *for fiscal year 2005 and such sums as may be necessary*
 19 *for each of fiscal years 2006 through 2010. Of the amount*
 20 *appropriated pursuant to the authorization of appropria-*
 21 *tions under this subsection for a fiscal year, not more than*
 22 *\$1,235,000 may be made available to carry out section 7*
 23 *of this Act.*

24 “(b) *STATE GRANTS FOR PROTECTION AND ADVO-*
 25 *CACY.—There are authorized to be appropriated to carry*

1 *out section 5 of this Act \$4,419,000 for fiscal year 2005*
2 *and such sums as may be necessary for each of fiscal years*
3 *2006 through 2010.”.*

Union Calendar No. 294

108TH CONGRESS
2D Session

H. R. 4278

[Report No. 108-514]

A BILL

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

JUNE 1, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed